

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL CLIFTON WATSON,

Plaintiff,

No. 17-11833

v.

District Judge Arthur J. Tarnow  
Magistrate Judge R. Steven Whalen

CITY OF BURTON, ET AL.,

Defendants.

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**ORDER**

Plaintiff, who has filed a *pro se* civil complaint, brings a motion in limine to exclude any reference to Defendants having evidence against him [Doc. #62]. Plaintiff has brought claims of false arrest and false imprisonment, an element of which is the absence of probable cause. Because the Defendants would therefore have to prove that there *was* probable cause for the Plaintiff's arrest, it would be anomalous to preclude them from offering evidence to support that defense. Indeed, such ruling would have serious due process implications, in that it would effectively deprive Defendants of a defense by removing a critical factual question from the jury's consideration.

In addition, a summary judgment motion is pending, so a motion in limine at this point is premature.

Accordingly, Plaintiff's motion is limine [Doc. #62] is DENIED.

IT IS SO ORDERED.

Dated: June 5, 2018

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify on June 5, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on June 5, 2018.

s/Carolyn M. Ciesla  
Case Manager for the  
Honorable R. Steven Whalen